

\*E-FILED - 9/11/08\*

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JAMES A. GUERRERO,	)	No. C 08-3859 RMW (PR)
	)	
Petitioner,	)	ORDER OF TRANSFER
	)	
vs.	)	
	)	
D. K. SISTO, Warden,	)	
	)	
Respondent.	)	
	)	

Petitioner, proceeding pro se, filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 on August 12, 2008. Petitioner seeks habeas relief from his underlying criminal conviction in the San Joaquin Superior Court, which lies in the Eastern District of California.

Venue for a habeas action is proper in either the district of confinement or the district of conviction, 28 U.S.C. § 2241(d); however, petitions challenging a conviction or sentence are preferably heard in the district of conviction. See Habeas L.R. 2254-3(a); Laue v. Nelson, 279 F. Supp. 265, 266 (N.D. Cal. 1968). Here, the Eastern District of California is both the district of confinement and the district of conviction.

Accordingly, this case is TRANSFERRED to the United States District Court for the Eastern District of California, the district of petitioner's confinement and conviction at issue in this petition. See 28 U.S.C. § 1404(a); Habeas L.R. 2254-3(b)(1). The clerk shall terminate any pending motions and transfer the entire file to the Eastern District of California.

1 IT IS SO ORDERED.

2 DATED: 9/10/08

  
RONALD M. WHYTE  
United States District Judge